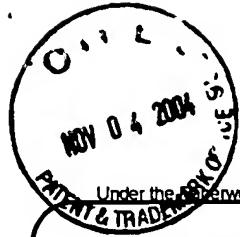


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Total Number of Pages in This Submission

3

Application Number	10/601,062
Filing Date	June 20, 2003
First Named Inventor	Michael C. Brakefield, et al.
Art Unit	3652
Examiner Name	Unknown

Attorney Docket Number

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	McAfee & Taft		
Signature			
Printed name	Clifford C. Dougherty, III		
Date	October 31, 2004	Reg. No.	31,607

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Clifford C. Dougherty, III	Date	November 1, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael C. Brakefield, et al.)
Serial No.: 10/601,062)
Filing Date: June 20, 2003)
For: DIESEL FUEL TRANSFERRING)
SYSTEM AND METHOD OF USE) Art Unit: 3652
Examiner: Unknown

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

By this statement, Applicants are submitting information of which they are aware and which they believe may be material to the examination of this application.

The filing of this statement should not be considered as a representation that a search has been made (see 37 C.F.R. § 1.97(g)), or an admission that the information cited is considered to be material to patentability as defined in 37 C.F.R. § 1.56 (see 37 C.F.R. § 1.97(h)). Furthermore, the filing of this statement should not be considered as an admission against interest in any manner (see Notice of final rulemaking, 1135 O.G. 13-25, at 25 (2-4-92)).

A portable pumping system was known to be in use at least as early as November 2001. It consisted of a pump driven by a diesel engine and having a flow meter on the discharge side of the pump. This system was mounted on a skid and carried in the bed of a truck. A hose was connected directly between the outlet of a railcar and the inlet of the pump. Another hose was connected between the outlet of the pump and an inlet opening on a transport trailer. No valves were installed on these hoses. This system was operated by McIntire Fuels of Middlebury, Vermont.

It is not believed that the above information is suitable for inclusion on Form PTO/SB/08A or Form PTO/SB/08B. Accordingly, Forms PTO/SB/08A and PTO/SB/08B do not accompany this Statement.

The person making this statement is an attorney of record who signs below on the basis of information which has been supplied by the inventors and/or individuals associated with the filing and prosecution of this application and/or information in the attorney's file.

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Clifford C. Dougherty, III

Clifford C. Dougherty, III
Date: November 1, 2009

Respectfully submitted,

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